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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,935	07/17/2003	Paul Anthony Ashley	AUS920030327US1	2329
63400 7590 01/16/2008 IBM CORP. (DHJ) c/o DAVID H. JUDSON 15950 DALLAS PARKWAY SUITE 225 DALLAS, TX 75248			EXAMINER DINH, MINH	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 01/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,935

Applicant(s)

ASHLEY ET AL.

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

9ETAILED ACTION

Response to Amendment

1. This action is in response to the RCE/amendment filed 10/26/2007. Claims 1, 8 and 15 have been amended; claims 4, 11 and 18 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to the rejection of claims 15-21 under 35 USC 101 as directed to non-statutory subject matter have been fully considered but they are not persuasive. Applicant argues that "the specification provides several examples of a manufacture in the form of 'EPROM, ROM, tape, paper, floppy disc, hard disk drive, RAM, and CD-ROMs', and it is not seen how inclusion of 'transmission-type media' (in the list, at line 12) renders these other media types non-statutory." (Remark, page 6, third paragraph). Claim 15 is directed to a computer readable medium that provides instruction. Since the specification discloses that computer readable media include transmission-type media (page 29, lines 9-13), the claimed subject matter covers encoded signals, which does not fall within one of the four statutory classes of § 101.

3. Applicant's arguments with respect to the rejection of claims 1-21 under 35 USC 102(b) as being anticipated by Marks et al. (2002/0010768) have been fully considered but they are not persuasive.

Applicant argues that Marks does not disclose: obtaining state information about the set of authorized resources; evaluating availability of the set of authorized resources based upon the state information about the set of authorized resources; generating a list of a set of entitled resources for the user in response to evaluating availability of the set of authorized resources; or preventing the user from accessing resources that are in the set of authorized resources but that are not in the set of entitled resources (page 8, last paragraph).

Mark discloses a method for user access control wherein each authorized user is entitled to a set of authorized resources (i.e., a set of user privileges) according to the user's profile, and each device (i.e., a computer used by a user to request/access resources) is associated with a set of resources according to the device's profile that the device can provide (Abstract; paragraphs 0016-0017). In particular, Mark discloses a method comprising: determining a set of authorized resources for which a user is authorized to access (paragraphs 0046-0047); obtaining state information about the set of authorized resources, i.e., obtaining information for each resource in the set of authorized resources as to whether the resource is

available to the computer used by the user (paragraphs 0028, 0048-0049); evaluating availability of the set of authorized resources based upon the state information about the set of authorized resources, i.e., determining session privileges identifying all resources that are both authorized to the user and available to the device used by the user (paragraphs 0017, 0050); in response to evaluating availability of the set of authorized resources, generating a list of a set of entitled resources for the user, wherein the set of entitled resources is a subset of the set of authorized resources (paragraph 0017, 0050-0051); and preventing the user from accessing resources that are in the set of authorized resources but that are not in the set of entitled resources, i.e., allowing the user to access only resources in the set of entitled resources (paragraph 0017, 0050-0051).

Applicant argues that Marks does not disclose sending an indication of the set of entitled resources to the user (page 9, third paragraph). Mark discloses sending an indication of the set of entitled resources, i.e., providing terminal configuration and user interface configuration that are based on the session privileges (paragraphs 0051-0055).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 15-17 and 19-21 are rejected under 35 U.S.C. 101 as failing to be limited to embodiments which fall within a statutory category. Claim 15 is directed to a computer readable medium that provides instruction. Such a computer readable medium covers encoded signals (see Specification, page 29, lines 1-13), which does not fall within one of the four statutory classes of § 101 (MPEP §2106). Claims that are not specifically addressed are rejected by virtue of their dependency.

6. Claims 8-10 and 12-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 8 is directed to an apparatus; however, (i) none of the claimed elements is a physical part of a device (e.g., a processor, memory, etc.) can the apparatus as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101, and (ii) all elements of the claim can be reasonably interpreted in light of the disclosure by one of ordinary skill as software routines (see Specification, page 8, lines 25-27). Therefore, the claim is directed to software per se, which fails to fall within one of the four statutory classes of § 101. Claims that are not specifically addressed are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 8-10 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the corresponding structures for the means-plus-function claimed limitations are.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 5-10, 12-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Marks et al. (US 2002/0010768 A1). Marks discloses a method and apparatus for determining current access privileges of a user, the current access privileges being a subset of the user's

access privileges and access privileges available to the environment

(Abstract).

Regarding claims 1-3, 5-10, 12-17 and 19-21, Marks specifically discloses a method comprising:

determining a set of authorized resources for which a user is authorized to access (paragraphs 0046-0047);

obtaining state information about the set of authorized resources, i.e., obtaining information for each resource in the set of authorized resources as to whether the resource is available to the computer used by the user (paragraphs 0028, 0048-0049);

evaluating availability of the set of authorized resources based upon the state information about the set of authorized resources, i.e., determining session privileges identifying all resources that are both authorized to the user and available to the device used by the user (paragraphs 0017, 0050);

in response to evaluating availability of the set of authorized resources, generating a list of a set of entitled resources for the user, wherein the set of entitled resources is a subset of the set of authorized resources (paragraph 0017, 0050-0051);

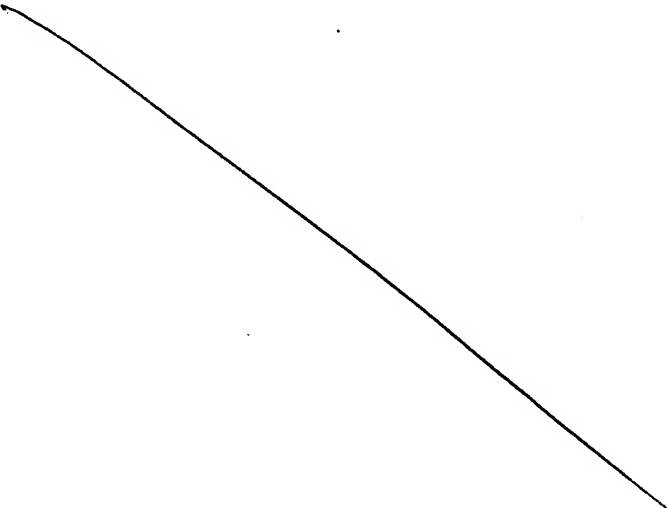
preventing the user from accessing resources that are in the set of authorized resources but that are not in the set of entitled resources, i.e.,

allowing the user to access only resources in the set of entitled resources (paragraph 0017, 0050-0051); and

sending an indication of the set of entitled resources, i.e., providing terminal configuration and user interface configuration that are based on the session privileges (paragraphs 0051-0055).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MD/
Minh Dinh
Examiner
Art Unit 2132

01/09/08


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